

Introduced by Senator Scott

February 16, 2005

An act to amend Sections ~~7612, 7630, 7660.5~~ 7630, 8604, and 9003 of the Family Code, *and to amend Sections 294 and 305.6 of the Welfare and Institutions Code*, relating to adoption.

LEGISLATIVE COUNSEL'S DIGEST

SB 302, as amended, Scott. Adoption.

Existing law provides that a man is presumed to be the natural father of a child if certain conditions are met. This presumption may be rebutted by a judgment establishing paternity of the child by another man. Existing law also authorizes a child, the child's natural mother, or, with certain exceptions, a presumed father of the child to bring an action to determine paternity, as specified.

Existing law provides that if a mother relinquishes for or consents to, or proposes to relinquish for or consent to, the adoption of a child who has a presumed father, the father must be given notice of the adoption proceeding and a child may not be adopted without his consent, except under specified circumstances. ~~However, a presumed father may waive his right to notice by executing a specified form before certain persons, such as a notary public.~~

Existing law establishes procedures for a peace officer to take a minor who is in a hospital into temporary custody if the release of the minor to a prospective adoptive parent poses an immediate danger to the minor's health or safety.

Existing law also provides that, in a stepparent adoption, the consent of either or both birth parents must be signed in the presence of a

county clerk, probation officer, qualified court investigator, or county welfare department staff member of any county of this state.

Existing law requires the social worker or probation officer to give notice to specified persons of a hearing to terminate parental rights or establish the legal guardianship of a dependent child.

~~This bill would provide that authorize, in an adoption the presumption described above may also be rebutted by clear and convincing evidence that another man is the natural father. The bill would authorize a presumed father to waive his right to notice of adoption proceedings by executing the form described above before a representative of a licensed adoption agency or a private child placement agency licensed by this state. In a stepparent adoption, the bill would authorize the consent of either or both birth parents to be signed in the presence of a notary public.~~

The bill would additionally authorize an adoption agency to whom the child has been or is proposed to be relinquished to or a person who intends to adopt the child prospective adoptive parent to bring an action to determine paternity.

The bill would provide that the consent of a presumed father is not required for the child's adoption unless he became a presumed father before the mother's relinquishment or consent becomes irrevocable or before the mother's parental rights have been terminated.

The bill would also expand the list of specified persons whom the social worker or probation officer must notify regarding a hearing to terminate parental rights or establish a legal guardianship by requiring that notice be given to unknown parents by publication, if ordered by the court, as specified. By expanding the duties of social workers and probation officers, the bill would impose a state-mandated local program.

The bill would extensively revise the procedures required for a peace officer to take a minor who is in a hospital into temporary custody if the release of the minor to a prospective adoptive parent poses immediate danger to the minor's health or safety.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state,

reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 ~~SECTION 1. Section 7612 of the Family Code is amended to~~
2 ~~read:~~

3 ~~7612. (a) Except as provided in Chapter 1 (commencing with~~
4 ~~Section 7540) and Chapter 3 (commencing with Section 7570) of~~
5 ~~Part 2 or in Section 20102, a presumption under Section 7611 is~~
6 ~~a rebuttable presumption affecting the burden of proof and may~~
7 ~~be rebutted in an appropriate action only by clear and convincing~~
8 ~~evidence.~~

9 ~~(b) If two or more presumptions arise under Section 7611~~
10 ~~which conflict with each other, the presumption which on the~~
11 ~~facts is founded on the weightier considerations of policy and~~
12 ~~logic controls.~~

13 ~~(c) The presumption under Section 7611 is rebutted by a~~
14 ~~judgment establishing paternity of the child by another man, or,~~
15 ~~in the case of an adoption, by clear and convincing evidence that~~
16 ~~another man is the natural father.~~

17 ~~SEC. 2.~~

18 ~~SECTION 1.~~ Section 7630 of the Family Code is amended to
19 ~~read:~~

20 ~~7630. (a) A child, the child's natural mother, a man~~
21 ~~presumed to be the child's father under subdivision (a), (b), or (c)~~
22 ~~of Section 7611, an adoption agency to whom the child has been;~~
23 ~~or is proposed to be, relinquished, or a person who intends to~~
24 ~~adopt the child~~ *relinquished to or a prospective adoptive parent,*
25 ~~may bring an action as follows:~~

26 ~~(1) At any time for the purpose of declaring the existence of~~
27 ~~the father and child relationship presumed under subdivision (a),~~
28 ~~(b), or (c) of Section 7611.~~

29 ~~(2) For the purpose of declaring the nonexistence of the father~~
30 ~~and child relationship presumed under subdivision (a), (b), or (c)~~
31 ~~of Section 7611 only if the action is brought within a reasonable~~
32 ~~time after obtaining knowledge of relevant facts. After the~~
33 ~~presumption has been rebutted, paternity of the child by another~~

1 man may be determined in the same action, if he has been made
2 a party.

3 (b) Any interested party may bring an action at any time for
4 the purpose of determining the existence or nonexistence of the
5 father and child relationship presumed under subdivision (d) or
6 (f) of Section 7611.

7 (c) An action to determine the existence of the father and child
8 relationship with respect to a child who has no presumed father
9 under Section 7611 or whose presumed father is deceased may
10 be brought by the child or personal representative of the child,
11 the Department of Child Support Services, the mother or the
12 personal representative or a parent of the mother if the mother
13 has died or is a minor, a man alleged or alleging himself to be the
14 father, or the personal representative or a parent of the alleged
15 father if the alleged father has died or is a minor.

16 (d) An action under subdivision (c) shall be consolidated with
17 a proceeding pursuant to Section 7662 ~~if~~ *whenever* a proceeding
18 has been filed under Chapter 5 (commencing with Section 7660).
19 The parental rights of the alleged natural father shall be
20 determined as set forth in Section 7664. The consolidated action
21 shall be heard in the court in which the Section 7662 proceeding
22 is filed, unless the court in which the action under subdivision (c)
23 is filed finds, by clear and convincing evidence, that transferring
24 the action to the other court poses a substantial hardship to the
25 petitioner. Mere inconvenience does not constitute a sufficient
26 basis for a finding of substantial hardship. If the court determines
27 there is a substantial hardship, the consolidated action shall be
28 heard in the court in which the paternity action is filed.

29 ~~SEC. 3. Section 7660.5 of the Family Code is amended to~~
30 ~~read:~~

31 ~~7660.5. Notwithstanding any other provision of law, if a~~
32 ~~presumed father waives the right to notice pursuant to Section~~
33 ~~7660 in writing by executing a form developed by the department~~
34 ~~using existing resources before a representative of a licensed~~
35 ~~adoption agency or private child placement agency licensed by~~
36 ~~this state or before a notary public or other person authorized to~~
37 ~~perform notarial acts, no notice, relinquishment for, or consent to~~
38 ~~adoption of the child shall be required from him for the adoption~~
39 ~~proceeding to proceed. This shall be a voluntary and informed~~
40 ~~waiver without undue influence. If the child is an Indian child as~~

~~defined under the Indian Child Welfare Act (ICWA), any waiver of consent by an Indian presumed father shall be executed in accordance with the requirements for voluntary adoptions set forth in Section 1913 of Title 25 of the United States Code. The waiver shall not affect the rights of any known federally recognized Indian tribe or tribes from which the child or the presumed father may be descended to notification of, or participation in, adoption proceedings as provided by the ICWA. Notice that the waiver has been executed shall be given to any known federally recognized Indian tribe or tribes from which the child or the presumed father may be descended, as required by the ICWA.~~

SEC. 2. Section 8604 of the Family Code is amended to read:

8604. (a) Except as provided in subdivision (b), a child having a presumed father under Section 7611 may not be adopted without the consent of the child's birth parents, if living. *The consent of a presumed father is not required for the child's adoption unless he became a presumed father as described in Section 7611 before the mother's relinquishment or consent becomes irrevocable or before the mother's parental rights have been terminated.*

(b) If one birth parent has been awarded custody by judicial order, or has custody by agreement of both parents, and the other birth parent for a period of one year willfully fails to communicate with and to pay for the care, support, and education of the child when able to do so, then the birth parent having sole custody may consent to the adoption, but only after the birth parent not having custody has been served with a copy of a citation in the manner provided by law for the service of a summons in a civil action that requires the birth parent not having custody to appear at the time and place set for the appearance in court under Section 8718, 8823, 8913, or 9007.

(c) Failure of a birth parent to pay for the care, support, and education of the child for the period of one year or failure of a birth parent to communicate with the child for the period of one year is prima facie evidence that the failure was willful and without lawful excuse.

~~SEC. 4.~~

SEC. 3. Section 9003 of the Family Code is amended to read:

9003. (a) In a stepparent adoption, the consent of either or both birth parents shall be signed in the presence of a notary public, county clerk, probation officer, qualified court investigator, or county welfare department staff member of any county of this state. The notary public, county clerk, probation officer, qualified court investigator, or county welfare department staff member before whom the consent is signed shall immediately file the consent with the clerk of the court where the adoption petition is filed. The clerk shall immediately notify the probation officer or, at the option of the board of supervisors, the county welfare department of that county.

(b) If the birth parent of a child to be adopted is outside this state at the time of signing the consent, the consent may be signed before a notary or other person authorized to perform notarial acts.

(c) The consent, when reciting that the person giving it is entitled to sole custody of the child and when acknowledged before the notary public, county clerk, probation officer, qualified court investigator, or county welfare department staff member, is prima facie evidence of the right of the person signing the consent to the sole custody of the child and that person's sole right to consent.

(d) A birth parent who is a minor has the right to sign a consent for the adoption of the birth parent's child and the consent is not subject to revocation by reason of the minority.

SEC. 4. Section 294 of the Welfare and Institutions Code is amended to read:

294. The social worker or probation officer shall give notice of a selection and implementation hearing held pursuant to Section 366.26 in the following manner:

(a) Notice of the hearing shall be given to the following persons:

(1) The mother.

(2) The fathers, presumed and alleged.

(3) The child, if the child is 10 years of age or older.

(4) Any known sibling of the child who is the subject of the hearing if that sibling either is the subject of a dependency proceeding or has been adjudged to be a dependent child of the juvenile court. If the sibling is 10 years of age or older, the sibling, the sibling's caregiver, and the sibling's attorney. If the

1 sibling is under 10 years of age, the sibling's caregiver and the
2 sibling's attorney. However, notice is not required to be given to
3 any sibling whose matter is calendared in the same court on the
4 same day.

5 (5) The grandparents of the child, if their address is known and
6 if the parent's whereabouts are unknown.

7 (6) All counsel of record.

8 (7) If the court knows or has reason to know that an Indian
9 child is involved, then to the Indian custodian and the tribe of
10 that child. If the identity or location of the parent or Indian
11 custodian and the tribe cannot be determined, notice shall be
12 given to the Bureau of Indian Affairs.

13 (8) *To any unknown parent by publication, if ordered by the*
14 *court, in addition to and concurrently with any other notice*
15 *required under this section, in any case in which an alleged*
16 *parent has been determined by the petitioner to not be a parent*
17 *and the identity of one or both of the parents, or alleged parents,*
18 *is unknown. In any case where an alleged parent is known by the*
19 *petitioner to not be a parent and the identity of one or both of the*
20 *parents or alleged parents is unknown, the petitioner shall seek*
21 *an order for publication notice pursuant to this paragraph as*
22 *soon as possible, and in no case later than 30 days after the*
23 *petitioner discovers the parent is unknown. An order of*
24 *publication pursuant to this paragraph shall be based on an*
25 *affidavit from the petitioner describing efforts made to identify*
26 *the unknown parent or parents and a finding by the court that*
27 *there has been due diligence in attempting to identify the*
28 *unknown parent.*

29 (b) The following persons shall not be notified of the hearing:

30 (1) A parent who has relinquished the child to the State
31 Department of Social Services or to a licensed adoption agency
32 for adoption, and the relinquishment has been accepted and filed
33 with notice as required under Section 8700 of the Family Code.

34 (2) An alleged father who has denied paternity and has
35 executed a waiver of the right to notice of further proceedings.

36 (3) A parent whose parental rights have been terminated.

37 (c) (1) Service of the notice shall be completed at least 45
38 days before the hearing date. Service is deemed complete at the
39 time the notice is personally delivered to the person named in the
40 notice or 10 days after the notice has been placed in the mail, or

1 at the expiration of the time prescribed by the order for
2 publication.

3 (2) In the case of an Indian child, notice to the Indian
4 custodian and the tribe shall be completed at least 10 days before
5 the hearing.

6 (3) In the case of an Indian child, if notice is given to the
7 Bureau of Indian Affairs, the bureau shall have 15 days after
8 receipt to provide the requisite notice to the parent or Indian
9 custodian and the tribe.

10 (4) Service of notice in cases where publication is ordered
11 shall be completed at least 30 days before the date of the hearing.

12 (d) Regardless of the type of notice required, or the manner in
13 which it is served, once the court has made the initial finding that
14 notice has properly been given to the parent, or to any person
15 entitled to receive notice pursuant to this section, subsequent
16 notice for any continuation of a Section 366.26 hearing may be
17 by first-class mail to any last known address, by an order made
18 pursuant to Section 296, or by any other means that the court
19 determines is reasonably calculated, under any circumstance, to
20 provide notice of the continued hearing. However, if the
21 recommendation changes from the recommendation contained in
22 the notice previously found to be proper, notice shall be provided
23 to the parent, and to any person entitled to receive notice
24 pursuant to this section, regarding that subsequent hearing.

25 (e) The notice shall contain the following information:

26 (1) The date, time, and place of the hearing.

27 (2) The right to appear.

28 (3) The parents' right to counsel.

29 (4) The nature of the proceedings.

30 (5) The recommendation of the supervising agency.

31 (6) A statement that, at the time of hearing, the court is
32 required to select a permanent plan of adoption, legal
33 guardianship, or long-term foster care for the child.

34 (7) In the case of an Indian child, the notice shall contain a
35 statement that the parent or Indian custodian and the tribe have a
36 right to intervene at any point in the proceedings. The notice
37 shall also include a statement that the parent or Indian custodian
38 and the tribe shall, upon request, be granted up to 20 additional
39 days to prepare for the proceedings.

1 (f) Notice to the parents may be given in any one of the
2 following manners:

3 (1) If the parent is present at the hearing at which the court
4 schedules a hearing pursuant to Section 366.26, the court shall
5 advise the parent of the date, time, and place of the proceedings,
6 their right to counsel, the nature of the proceedings, and the
7 requirement that at the proceedings the court shall select and
8 implement a plan of adoption, legal guardianship, or long-term
9 foster care for the child. The court shall direct the parent to
10 appear for the proceedings and then direct that the parent be
11 notified thereafter by first-class mail to the parent's usual place
12 of residence or business only.

13 (2) Certified mail, return receipt requested, to the parent's last
14 known mailing address. This notice shall be sufficient if the child
15 welfare agency receives a return receipt signed by the parent.

16 (3) Personal service to the parent named in the notice.

17 (4) Delivery to a competent person who is at least 18 years of
18 age at the parent's usual place of residence or business, and
19 thereafter mailed to the parent named in the notice by first-class
20 mail at the place where the notice was delivered.

21 (5) If the residence of the parent is outside the state, service
22 may be made as described in paragraph (1), (3), or (4) or by
23 certified mail, return receipt requested.

24 (6) If the recommendation of the probation officer or social
25 worker is legal guardianship or long-term foster care, service
26 may be made by first-class mail to the parent's usual place of
27 residence or business.

28 (7) If ~~the~~ a parent's identity is known but his or her
29 whereabouts are unknown and the parent cannot, with reasonable
30 diligence, be served in any manner specified in paragraphs (1) to
31 (6), inclusive, the petitioner shall file an affidavit with the court
32 at least 75 days before the hearing date, stating the name of the
33 parent and describing the efforts made to locate and serve the
34 parent.

35 (A) If the court determines that there has been due diligence in
36 attempting to locate and serve the parent and the probation
37 officer or social worker recommends adoption, service shall be to
38 that parent's attorney of record, if any, by certified mail, return
39 receipt requested. If the parent does not have an attorney of
40 record, the court shall order that service be made by publication

1 of citation requiring the parent to appear at the date, time, and
2 place stated in the citation, and that the citation be published in a
3 newspaper designated as most likely to give notice to the parent.
4 Publication shall be made once a week for four consecutive
5 weeks. Whether notice is to the attorney of record or by
6 publication, the court shall also order that notice be given to the
7 grandparents of the child by first-class mail.

8 (B) If the court determines that there has been due diligence in
9 attempting to locate and serve the parent and the probation
10 officer or social worker recommends legal guardianship or
11 long-term foster care, no further notice is required to the parent,
12 but the court shall order that notice be given to the grandparents
13 of the child by first-class mail.

14 (C) In any case where the residence of the parent becomes
15 known, notice shall immediately be served upon the parent as
16 provided for in either paragraph (2), (3), (4), (5), or (6).

17 (8) If the identity of one or both of the parents, or alleged
18 parents, of the child is unknown, or if the name of one or both
19 parents is uncertain, then that fact shall be set forth in the
20 affidavit and the court, if ordering publication, shall order the
21 published citation to be directed to either the father or mother, or
22 both, of the child, and to all persons claiming to be the father or
23 mother of the child, naming and otherwise describing the child.
24 *An order of publication pursuant to this paragraph shall be*
25 *based on an affidavit describing efforts made to identify the*
26 *unknown parent or parents. If the court determines there has*
27 *been due diligence in attempting to identify the unknown parent,*
28 *the court may order notice by publication pursuant to this section*
29 *no less than 60 or more than 75 days prior to the hearing.*
30 *Service made by publication pursuant to this paragraph shall*
31 *require the unknown parent or parents to appear at the date,*
32 *time, and place stated in the citation. Publication shall be made*
33 *once a week for four consecutive weeks. Consistent with the*
34 *provisions of Sections 7665 and 7666 of the Family Code, the*
35 *court may issue an order dispensing with notice to a natural*
36 *parent or possible natural parent if, after inquiry and a*
37 *determination that there has been due diligence in attempting to*
38 *identify the unknown parent, the court is unable to identify the*
39 *natural parent and no person has appeared claiming to be the*
40 *natural parent.*

1 (g) Notice to the child and all counsel of record shall be by
2 first-class mail.

3 (h) In the case of an Indian child, notice to the tribe shall be by
4 registered mail, return receipt requested.

5 (i) Notwithstanding subdivision (a), if the attorney of record is
6 present at the time the court schedules a hearing pursuant to
7 Section 366.26, no further notice is required, except as required
8 by subparagraph (A) of paragraph (7) of subdivision (f).

9 (j) This section shall also apply to children adjudged wards
10 pursuant to Section 727.31.

11 (k) *The court shall state the reasons on the record explaining*
12 *why good cause exists for granting any continuance of a hearing*
13 *held pursuant to Section 366.26 to fulfill the requirements of this*
14 *section.*

15 *SEC. 5. Section 305.6 of the Welfare and Institutions Code is*
16 *amended to read:*

17 305.6. (a) Any peace officer may, without a warrant, take
18 into temporary custody a minor who is in a hospital if the release
19 of the minor to a prospective adoptive parent poses an immediate
20 danger to the minor's health or safety.

21 (b) (1) Notwithstanding subdivision (a) and Section 305, a
22 peace officer may not, without a warrant, take into temporary
23 custody a minor who is in a hospital if all of the following
24 conditions exist:

25 (A) The minor is a newborn who tested positive for illegal
26 drugs or whose birth mother tested positive for illegal drugs.

27 (B) The minor is the subject of a ~~petition for~~ *proposed*
28 *adoption* and a Health Facility Minor Release Report, prescribed
29 by the department, has been completed by the hospital, including
30 the marking of the boxes applicable to an independent adoption
31 or agency adoption planning, and signed by the placing birth
32 parent or birth parents and (1) the prospective adoptive parent or
33 parents, (2) *an attorney for the prospective adoptive parent or*
34 *parents, or (3) an authorized representative of a licensed*
35 *adoption agency* prior to the discharge of the birth parent or the
36 minor from the hospital. Prior to signing of the Health Facility
37 Minor Release Report, the birth parent or birth parents shall be
38 given a notice written in at least 14-point pica type, containing
39 substantially the following statements:

1 (i) That the Health Facility Minor Release Report does not
2 constitute consent to adoption of the minor by the prospective
3 adoptive parent or parents, or any other prospective adoptive
4 parent or parents.

5 (ii) That the Health Facility Minor Release Report does not
6 constitute a relinquishment of parental rights for the purposes of
7 adoption.

8 (iii) That the birth parent or birth parents or any person
9 authorized by the birth parent or birth parents may reclaim the
10 minor at any time from the prospective adoptive parent or parents
11 or any other person to whom the minor was released by the
12 hospital, until an adoption placement agreement or a
13 relinquishment is signed by the birth parent or birth parents.

14 This notice shall be signed by the birth parent or birth parents
15 and attached to the Health Facility Minor Release Report.

16 (C) The release of the minor to a prospective adoptive parent
17 or parents, *their attorney, or an authorized representative of a*
18 *licensed adoption agency* does not pose an immediate danger to
19 the minor.

20 (D) An attorney or an adoption agency has provided
21 documentation stating that he or she, or the agency, is
22 representing the prospective adoptive parent or parents for
23 purposes of the adoption. In the case of an independent adoption,
24 as defined in Section 8524 of the Family Code, the attorney or
25 adoption agency shall provide documentation stating that the
26 prospective adoptive parent or parents have been informed that
27 the child may be eligible for benefits provided pursuant to the
28 Adoption Assistance Program, as set forth in Chapter 2.1
29 (commencing with Section 16115) of Part 4 of Division 9, only
30 if, at the time the petition is filed, the child has met the
31 requirements to receive federal supplemental security income
32 benefits pursuant to Subchapter XVI (commencing with Section
33 1381) of Chapter 7 of Title 42 of the United States Code, as
34 determined and documented by the federal Social Security
35 Administration.

36 (E) The prospective adoptive parent or parents or their
37 ~~representative~~ *attorney, or an authorized representative of a*
38 *licensed adoption agency provides a all of the following to the*
39 *local child protective services agency or to the peace officer who*
40 *is at the hospital to take the minor into temporary custody:*

1 (i) A copy of the Health Facility Minor Release Report with
2 the signed notice to the birth parent or birth parents as described
3 in subparagraph (B) ~~and a~~.

4 (ii) ~~A copy of the petition for adoption to the local child~~
5 ~~protective services agency or to the peace officer who is at the~~
6 ~~hospital to take the minor into temporary custody or a statement~~
7 ~~signed by either the prospective adoptive parents or an~~
8 ~~authorized representative of the adoption agency, that this child~~
9 ~~is the subject of a proposed adoption.~~

10 (iii) ~~A copy of a written statement that the prospective~~
11 ~~adoptive parents or adoption agency personnel will immediately~~
12 ~~notify the local child protective services agency if the adoption~~
13 ~~plan is terminated for any reason.~~

14 (2) Notwithstanding Section 305 or subdivision (a) of this
15 section, a peace officer may not, without a warrant, take into
16 temporary custody a minor who is in a hospital if all of the
17 following conditions exist:

18 (A) The minor is a newborn who tested positive for illegal
19 drugs or whose birth mother tested positive for illegal drugs.

20 (B) The minor is the subject of a ~~petition proposed~~ for
21 adoption and a prospective adoptive parent or prospective
22 adoptive parents have been licensed to act as a foster parent or
23 foster parents of the minor pending finalization of the petition for
24 adoption.

25 (C) The release of the minor to the prospective adoptive parent
26 or prospective adoptive parents does not pose an immediate
27 danger to the minor.

28 (D) The prospective adoptive parent or parents or their
29 representative provides ~~to the local child protective services~~
30 ~~agency or to the peace officer who is at the hospital to take the~~
31 ~~minor into temporary custody~~ a copy of the ~~petition for adoption~~
32 ~~and documents evidencing licensure as a foster parent or foster~~
33 ~~parents to the local child protective services agency or to the~~
34 ~~peace officer who is at the hospital to take the minor into~~
35 ~~temporary custody~~ as well as a written statement of their intent to
36 adopt the child, and a written statement agreeing to notify the
37 local child protective services agency if the adoption plan is
38 terminated for any reason.

39 (3) ~~If at the time the minor is released to the custody of a~~
40 ~~prospective adoptive parent or parents or their representative~~

~~pursuant to paragraph (1) or (2), the petition for adoption of the
minor has not been filed with the court, the petition for adoption
shall be filed within 15 calendar days of the date the birth parent
was released from the hospital.~~

~~(4)~~

(3) A copy of an adoption placement agreement signed by the
placing birth parent or birth parents and the prospective adoptive
parent or parents may be used in place of the Health Facility
Minor Release Report and notice to the birth parent or birth
parents as described in subparagraph (B) of paragraph (1).

(c) Nothing in this section is intended to create a duty that
requires law enforcement to investigate the prospective adoptive
parent or parents.

*SEC. 6. If the Commission on State Mandates determines that
this act contains costs mandated by the state, reimbursement to
local agencies and school districts for those costs shall be made
pursuant to Part 7 (commencing with Section 17500) of Division
4 of Title 2 of the Government Code.*